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OFFICE OF PETITIONS

Applicant: Hood et.
Appl. No.: 09/993,312
Filing Date: November 13, 2001
Title: MULTIPARAMETER INTEGRATION METHODS FOR THE ANALYSIS OF
BIOLOGICAL NETWORKS
Attorney Docket No.: 66661-036 (P-IS 4988)
Pub. No.: US 2003/0130798 A1
Pub. Date: July 10, 2003

This is in response to the request for correction of patent application publication under 37 CFR 1.221(b), which was filed on August 11, 2003.

The request is DISMISSED.

The instant request is that the application be republished because the patent application publication incorrectly lists Hood as the first inventor on the front page of the patent application publication and that on page 22, Example II in the header "Global Changes" is misspelled as "Global Chances".

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹ The instant request does not identify a material mistake in the publication made by the Office:

With respect to incorrectly listing the wrong inventor first on the front page of the patent application publication, the Office did not make a mistake in the publication. Although applicant contends that the Office published the names of the inventors in the wrong order, the declaration filed on May 6, 2002, listed the inventors as Leroy E. Hood and Trey E. Ideker, thus the patent application publication listed the inventors in the correct order as provided by 37 CFR 1.215(a). To change the order of the inventors in the Office system and in any patent that may issue, applicant should file a petition under 37 CFR 1.182 to change the order of the inventors. See MPEP 605.04(f).

The error in the header for Example II on page 22, wherein "Global Changes" is misspelled as "Global Chances" is an Office error, but it is a minor typographical error which is understandable

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

as such from reading the sentence and/or paragraph in which the term is used, as terms are not read in a vacuum. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent, as none of the claims rely on this language.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

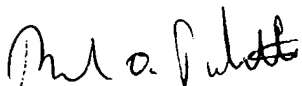
Any request for republication under 37 CFR 1.221(b), should be submitted via the EFS system and questions or request for reconsideration of this decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
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By facsimile: 703-305-8568

The application is being forwarded to Technology Center 1631 to await further examination in due course.

Inquiries relating to this matter may be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).



Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy